

Planning Commission  
City Hall  
Council Chambers

1. Call To Order/Roll Call

1.A. 6-17-2019 Agenda

Documents:

[06-17-19 AGENDA.PDF](#)

2. Approve Minutes

2.A. Approval Of Minutes

Documents:

[2019-06-03 PC MEETING MINUTES.PDF](#)

3. Public Hearings

3.A. ZTA 22-19 Proposed Amendments To Section 6-250 And Section 6-260 Of The City's Unified Development Ordinance Related To Fences

Documents:

[3A. STAFF REPORT FOR 2019-06-17 FENCE ORDINANCE AMENDMENT.PDF](#)

4. Routine Business

5. Work Session

5.A. Work Session Agenda

Documents:

[06-17-19 WS AGENDA.PDF](#)

6. Adjourn

***FARIBAULT PLANNING COMMISSION  
AMENDED AGENDA***

Monday, June 17, 2019                      City Hall, City Council Chambers                      7:00 PM

1.     **CALL TO ORDER**
2.     **APPROVAL OF MINUTES**
  - A.     Minutes of June 10, 2019
3.     **PUBLIC HEARINGS**
  - A.     ZTA 22-19 Proposed Amendments to Section 6-250 and Section 6-260 of the City's Unified Development Ordinance related to Fences
4.     **ROUTINE BUSINESS**
  - A.     None.
5.     **ADJOURN**

*Please contact the City Planning Division (507.334.0100) if you need special accommodations related to a disability to attend this meeting.  
The Public Hearings are broadcast live on FCTV.*

**FARIBAULT PLANNING COMMISSION**  
**MINUTES**  
**June 3, 2019**

**1. CALL TO ORDER**

Vice Chairman Chuck Ackman called the meeting to order at 7:00 p.m. Commissioners present: Chuck Ackman, Dave Campbell, Joe Faugstad, Michael Schendel, Steve White and Ann Vohs  
Commissioners Absent: Dave Albers  
Staff present: Planning Coordinator, Peter Waldock, City Planner, David Wanberg and Administrative Assistant I, Kari Casper.

Public Present: Beverly Eiler, 1209 17<sup>th</sup> Street, SW, Faribault, MN; Various representatives of Bethlehem Academy, including Bernt Halvorson.

**2. APPROVAL OF MINUTES**

A motion was made by Commissioner Schendel and seconded by Commissioner Campbell to approve the minutes of the May 20, 2019, regular meeting as presented. Motion carried (6/0).

Ackman stated that Waldock would like to change the order of presentation to allow members of the public to be heard first. We started the meeting off with the Geiger project and Waldock will address the rezoning first and then the preliminary and final plat. The BA Greenhouse will then be presented which is 3D on the agenda and then on to 3C for the EMB text amendment.

**3. PUBLIC HEARINGS**

- A. P/FP 17-19 Preliminary and Final Plat Application for Geiger Addition to create two residential lots at 1137 17<sup>th</sup> Street SW (PID # 1812100001).
- B. RZ 18-19 Rezoning Application to change zoning from O Open Space to R-2 Low Density Residential District in order to subdivide the subject property into two residential lots at 1137 17<sup>th</sup> Street SW (PID # 1812100001).

Duane Geiger has submitted an application for preliminary and final plat approval on behalf of the property owners NKR Properties LLC. The F/FP applications have been combined into a single application in this case. The proposed subdivision will split the parcel into two single family lots with frontage on 17th Street SW. This will create one new buildable lot. The parcel to be divided is a 1 acre farm remnant that has not previously been platted. The site boundary extends to the centerline of 17th Street SW. The property is improved with a single family home which will remain in place after the subdivision is completed. The plat create one new buildable lot. The application also proposes to rezone the site from O Open Space/Agricultural District to R-2 which is a single family district to match adjoining property, to the north, south and west. Waldock stated that the proposed single family dwelling meets all the criteria for this purpose.

Ackman opened the matter up for discussion and questioned how this lot was never platted. Waldock stated that it was probably part of the original farm who was the developer. Ackman then asked, had this been platted; it could have been handled administratively. Waldock responded yes, it

could have been handled a few ways.

Ackman opened the matter up for public hearing and Beverly Eiler, the neighbor to the South approached. Mrs. Eiler's concern was for the drainage since the development behind her was put in, her basement has been flooding. Her sump pump runs constantly and so much that it is not draining directly into 17<sup>th</sup> Street. She expressed this concern and didn't feel that a house on the proposed lot was a good use due to the drainage issues and also was concerned about the lot size.

Ackman then closed the public hearing and brought the matter back for discussion to the board. Waldock addressed the drainage issue stating that the City is aware of the drainage issues and engineering is also aware of it and it will be a condition of the plans that the matter be addressed when the final plans for building are submitted. He also stated that the lot size is much wider than the rest of the lots on the block.

White moved for approval of the rezoning for Geiger Addition as written, and seconded by Commissioner Campbell. Motion carried (6/0).

On the P/FP White moved to approve the P/FP as written, and seconded by Commissioner Schendel. Motion carried (6/).

D. CUP 19-19 Conditional Use Permit to build a Greenhouse Science Building at Bethlehem Academy High School on a lot addressed as 203 3rd Avenue SW (PID # 1831426032).

Bernt Halverson on behalf of Bethlehem Academy High School, has requested approval of a CUP to construct an educational greenhouse on the south portion of the BA Campus on a lot at 203 3rd Avenue SW. The proposed greenhouse will be up to 24 feet by 48 feet in size depending on funding for the project (the application lists 24' X 36'). The structure will meet required setbacks and building separating in this case, 15 feet from the south lot line and ten feet east of the existing garage on the lot. The greenhouse will have an 8 foot side wall height and gable roof, which will meet the height limits for non-residential accessory structures in the zoning district. DRC stated this is an appropriate use with the CUP.

Ackman opened it up for discussion. No one made comment. Ackman then opened it up for public hearing. Bernt Halvorson came forward to answer any questions. Vohs had a question on screening. Halvorson mentioned about putting up a fence to keep the kids out of the area. Waldock stated that the greenhouse will be screened by the garage. Ackman then brought it back to the commission. Ackman stated that the 4 conditions, 3 and 4 should be combined. Waldock said he would make that switch. A motion was made by Commissioner Vohs to approve CUP 19-19 with the one change and seconded by Commissioner Campbell. Motion carried (6/0).

C. ZTA 20-19 Sign Ordinance Amendment related to Electronic Message Centers to increase the permitted size of electronic message board signs in Commercial and Industrial Districts and in Interstate Highway Oriented Business Districts throughout the City.

The current sign ordinance regulations for electronic message boards in the City were established in 2004 and last updated in 2007. Since then much has changed in the industry with new technology for LED lighting controls and signage sizes for Electronic Message Centers (EMC's). Accordingly consumer demand for larger EMC signs has grown along with public acceptance of such signs.

The current ordinance limits the size of EMC's for commercial and industrial districts to 40 Sq. Ft. which happens to be smaller than that allowed in Residential Districts (currently 50 Sq. Ft.). To address the improved technology, consumer demand for EMC signs and allow greater EMC sign area in commercial and industrial districts, staff has proposed an amendment to the zoning ordinance to include staff found that our regulations could also benefit from updated regulations to provide light sensor requirements, automatic dimmer controls and better regulation light emissions and measurements from EMC signs. Currently City codes do not address inoperable EMC signs or damaged EMC signs that are not operating correctly and are illegible or otherwise unsightly or problematic.

Ackman opened the matter up for discussion and had one question regarding whether electronic billboards were the same. Waldock stated they are two different things. Ackman addressed the distraction component. Waldock stated that we didn't need to add that language and the ordinance is a good one. White spoke of the billboard by KFC and wanted to comment on the billboards along the interstate regarding the size and limitations. Waldock stated that the ordinance is already doing that and this one is dealing with EMBs. Campbell spoke stating the staff did really good work on updating this.

Ackman opened the matter up for public hearing; no one from the public was present. Ackman brought back for discussion stating the technology changes and how this is appropriate. A motion was made by Commissioner White to approve the Ordinance Amendment related to Electronic Message Centers as written and seconded by Commissioner Campbell. Motion carried (6/0).

**4. ROUTINE BUSINESS:**

None.

**5. ADJOURN**

Motion was made by Commissioner Campbell to adjourn the meeting and seconded by Commissioner Schendel to adjourn the meeting. The meeting was adjourned at 7:39 p.m. Motion carried (6/0).

Respectfully Submitted,

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Kari Casper, Administrative Assistant I

**MINUTES APPROVED:**

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Dave Albers, Chair

**FARIBAULT PLANNING COMMISSION**  
**JUNE 17, 2019 PUBLIC HEARING**

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|-------------------------------------|--|
| <b>Case Number and Request:</b>     | ZTA 22-19: Proposed Amendments to Fence Ordinance  |
| <b>Recommendation:</b>              | Recommend that the Council Approve Ordinance 2019-10: Approve Amendments to Section 6-250 and Section 6-260 of the Unified Development Ordinance related to Fences |
| <b>Deadline for Council Action:</b> | None (Request Initiated by the City)   |
| <b>From:</b>                        | David Wanberg, AICP, City Planner  |

**BACKGROUND AND SUMMARY OF REQUEST**

Over the years, the City Council approved multiple variances related to height of fencing and the use of barbed wire fencing in nonresidential zoning districts. Consequently, the City Development Review Committee (DRC) and the City Planning Commission (PC) held work sessions to discuss possible amendments to the fence provisions in the City’s Unified Development Ordinance. The DRC and PC recommended that the Ordinance be amended to clarify that fencing in the corner side yard and rear yard of through-lots can be 12 feet high in industrial districts and 8 feet high in commercial districts. The DRC and PC also recommended additional flexibility in the use of barbed wire fencing when needed.

City Staff prepared the attached draft ordinance amendment in response to the direction of the DRC and PC. City Staff views the proposed amendments as a temporary measure to address immediate concerns with the fence ordinance. In the coming year or two, Staff intends to completely update the Unified Development Ordinance and further refine the fence ordinance.

**RECOMMENDATION**

Recommend that the City Council approve Ordinance 2019-10 based on the written findings in the ordinance.

**ATTACHMENTS**

- Draft Ordinance 2019-10

## **CITY OF FARIBAULT**

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### **ORDINANCE 2019-10**

#### **APPROVE AMENDMENT TO SECTION 6-250 AND SECTION 6-260 OF THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO FENCES**

**WHEREAS**, the City of Faribault Planning Commission and the City of Faribault Development Review Committee conducted work sessions to review the City ordinances related to fences; and

**WHEREAS**, the Planning Commission and the Development Review Committee recommended amending the fence ordinance to allow nonresidential fences to a height of eight (8) to twelve (12) feet and to allow the use of barbed wire where appropriate; and

**WHEREAS**, the Planning Commission, on the 17th day of June, 2019 following proper notice, held a public hearing regarding said ordinance amendment; and

**WHEREAS**, following said public hearing, the Planning Commission made appropriate written findings and recommended approval of the proposed ordinance amendments; and

**WHEREAS**, the City Council hereby finds the proposed ordinance amendments are appropriate with the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

*Finding: The proposed amendments to the fence ordinance support the economic policies and life/safety policies of the City's Land Use Plan.*

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

*Finding: The amendment is not intended to benefit only one property owner.*

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning**

**classification, where the amendment is to change the zoning classification of a particular property.**

*Finding: This finding is not applicable as this proposal will amend zoning regulations for fences and will not alter the zoning classification of specific properties.*

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

*Finding: The zoning classification of specific property would not be changed. The proposed Ordinance amendments revise the fence regulations contained in zoning codes.*

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

*Finding: This zoning text amendment will not be applicable to one particular property within the City. It will be applicable Citywide.*

**NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:**

**Section 1: Findings and Incorporation of Recitals.** The findings and recitals set forth in this Ordinance are incorporated into and made part of this Ordinance, and where applicable, constitute the written findings of the City Council of the City of Faribault.

**Section 2: Amendment of Section 6-250 and Section 6-260 of the Unified Development Ordinance related to Fences.** Section 6-250 and Section 6-260 of the City's Unified Development Ordinance are hereby amended by adding the double-underlined text and deleting the ~~stricken~~ text as follows:

**Sec. 6-250. Fence location and height.**

Fences may be erected, placed, or maintained in any yard along or adjacent to a lot line, in accordance with the requirements identified below. The owner shall be responsible for properly locating all property

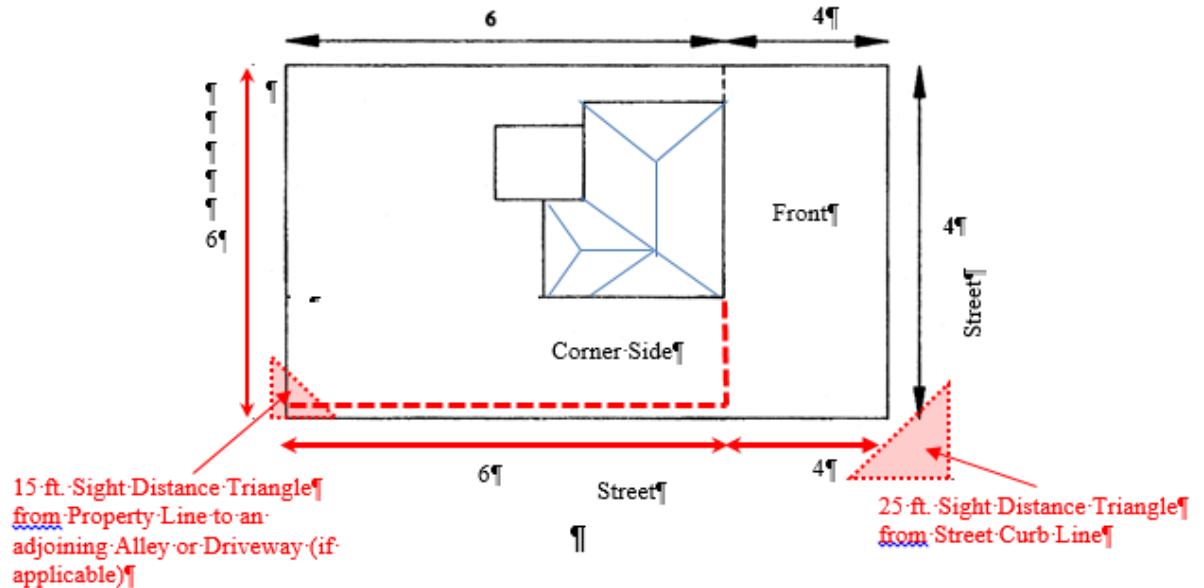


lines before construction of any fence. A zoning certificate of compliance shall be required prior to installation of fences in any zoning district.

(1) Fences in residential zoning districts shall meet the following requirements:

- (a) No fence shall exceed six (6) feet in height, not including finials, ~~in residential districts or twelve (12) feet in nonresidential districts,~~ nor be less than three (3) feet in height. In the case of grade separation such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.
- (b) Any fence extending into a front building setback area, shall not exceed four (4) feet. Fences within a required sight distance triangle shall not exceed three (3) feet in height, except as provided under [subsection] (3) below.
- (c) Any fence within a front yard may be a maximum height of four (4) feet if open, decorative, ornamental fencing materials that are less than fifty (50) percent opaque are used subject to the specifications in Section 6-260 below.
- (d) Any fence, in residential districts with a residential use, meeting the height requirements of [subsection] (1)(a) may be permitted in a corner side yard up to one foot from the property line. In no case may these sections be permitted within any portion of a sight distance triangle.
- (e) A rear yard of a through-lot shall be permitted to construct a fence up to the property line in compliance with the height requirements of [subsection] (1)(a).
- (f) The sight distance triangle as it pertains to this section shall be defined beginning at the intersection of where a driveway intersects a property line, measured fifteen (15) feet along each line and connected by a diagonal line. This requirement shall

also apply to sites adjoining alleys. Fences shall also be prohibited within the sight distance triangle area as defined in Section 1-120.



- (2) Fences in nonresidential zoning districts shall meet the following requirements:
- (a) In industrial zoning districts, no fence shall exceed twelve (12) feet in height, nor be less than three (3) feet in height. In commercial zoning districts, no fence shall exceed eight (8) feet in height, nor be less than three (3) feet in height. In all other zoning districts, the City Planner shall determine if the residential, commercial, or industrial fence height requirements shall apply. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.
  - (b) No fence shall exceed four (4) feet in height in the area between the required minimum building setback as stipulated by the Unified Development Ordinance and the front lot line.

- (c) Any fence in a nonresidential zoning district with a nonresidential use may be permitted to construct a fence up to the corner side lot lines and rear lot lines of through-lots at the height allowed by subsection (2)(a) above.
- (d) Essential service uses requiring protection, including but not limited to, electrical and gas substations and water and waste water treatment plants, shall be allowed to construct a fence up to twelve (12) feet in height on any property line.
- (e) In no case shall a fence obscure the required sight triangle as required by this Ordinance or as required by the City Engineer or other authorized agent of the City.

**Sec. 6-260. Fence materials and maintenance.**

- (1) All walls and fences shall be durable, standard fence materials, and kept in a condition so as not to become a nuisance. Drywall, cardboard, plywood and particle board panels shall not be used as fencing material.
  - a) Standard Fence Materials shall include cedar fence posts and boards, treated wood fence posts and boards, PVC or vinyl fence posts and panels designed and manufactured for use as fence sections, aluminum fence posts and panels, wrought iron fence panels, steel fence panels (designed and manufactured for use as fencing, chain link fencing with wood or tubular steel posts and frames and other materials as approved by the City Planner.
  - ~~(2) Barbed wire and electric wire fencing may be used only for agricultural purposes, retention of livestock, industrial storage areas when not visible from a public right of way, and when necessary for security purposes at correctional and other similar facilities.~~
- (2) Barbed wire shall be prohibited except as follows:
  - a) Barbed wire shall be permitted for allowed agricultural purposes and the retention of allowed livestock.

- b) Barbed wire shall be allowed in industrial districts and for essential service uses (including, but not limited to, electrical and gas substations, and water and wastewater treatment plants). The barbed wire shall begin at a point at least six (6) feet above finished grade and it shall not project over property lines.
  - c) Barbed wire shall be allowed when necessary for security purposes at correctional facilities and similar facilities.
  - d) Barbed wire may be allowed in commercial districts with the issuance of a conditional use permit. The barbed wire shall begin at a point at least six (6) feet above finished grade and it shall not extend over property lines. Findings shall be made that the barbed wire is necessary to protect the property for which the barbed wire is intended.
- (3) All fence posts and supporting members shall be erected so that the finished side or sides of the fence face the adjacent property or public right-of-way.
  - (4) Slats shall be permitted on chain link fences in industrial districts or uses. Screening slats shall be properly maintained free of graffiti and if damaged screening slats shall be promptly replaced with a matching color slat.
  - (5) Metal wall or roof panels may be permitted as a fence material by conditional use.
  - (6) Decorative - Ornamental Fences per Section 6-250, subsection ~~(3)~~ (2)(C) above, shall include wrought iron, wood or vinyl picket, split rail, rail and post, and wood framed vinyl coated (or equal) chain link with minimum 4" X 4" decorative posts and minimum 2" X 4" horizontal framing members. Alternative ornamental materials beyond those listed above may be approved with a conditional use permit.

**Section 3: Effective Date.** This ordinance shall be effective immediately upon its passage and publication, in accordance with Chapter 3 of the Faribault City Charter.

Public Hearing: June 17, 2019  
First Reading: June 25, 2019  
Second Reading: July 9, 2019  
Publication: July 16, 2019

**Faribault City Council**

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**Kevin F. Voracek, Mayor**

**ATTEST:**

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**Timothy C. Murray, City Administrator**

# ***FARIBAULT PLANNING COMMISSION WORK SESSION***

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June 17, 2019

City Council Chambers

Follows regular meeting

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- 1. CALL TO ORDER**
- 2. ITEMS FOR DISCUSSION**
  - A. None
- 3. ROUTINE BUSINESS**
  - A. Next City Council Meeting – June 25, 2019
  - B. EDA Update
  - C. Comprehensive Plan Update
  - D. Next PC Meeting – July 1, 2019
- 4. ADJOURN**